

**CITY COUNCIL WORK SESSION
CITY OF WATERTOWN
April 12, 2010
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER**

City Staff Present: **Ken Mix, Kurt Hauk**

Mayor Graham opened the work session.

Brownfields Update, Sewalls Island

Gregory Andrus and Steven Campbell, Lu Engineers, presented the update on the environmental restoration program for Sewalls Island. They outlined the work done to date and what is pending for the spring/summer of 2010. The three areas that are being worked on have had soil samplings and subsoil samplings completed. Test pits have been investigated. Cleanup measures have been undertaken by doing the excavation of buried waste, the consolidation and excavation of 520 tons of contaminated soils. Mr. Andrus and Mr. Campbell listed the information and work plan that must be completed for the NYS DEC to issue a certificate of completion for the City.

Destination Marketing Proposal for Fiscal Year 2010-2011

Gary DeYoung, Director of Tourism, TIITC presented the proposal to Council. This involves the 2010 Summer Marketing Program, the 2011-12 International Travel Guide, the Seaway Trail "Journey" Magazine, the Pentagon Travel Shows and Military Visitor Supplement, the Black River Marketing Projects as well as the Watertown Canadian Shop, Stay & Save Program. The last program has a total investment of \$28,000 which is being proposed to divide equally between the City and the Town. With a \$14,000 investment by the City, their total cost for all the programs would be \$32,550.

Town Supervisor Joel Bartlett was present at the presentation and remarked that he will take the information back to the Town Council. He felt that it was a good promotion. He also asked about the amount that the Town would be contributing for Camoin Associates.

Council Member Butler, who is the Chair of the EDZ board, advised that there is enough money in the EDZ account without asking the Town for any contribution this year.

302 Gale Street Sidewalk Report

Mr. Hauk advised that the walks have been inspected on three occasions and no water appears to be collecting. Another inspection will be done in August or September. He explained that as of March 2010 there have been no deficiencies noted that would warrant replacement of sidewalk blocks as warranty work.

Discussion was held relative to the standards required for placement of new blocks in regards to pitch and grade.

Mrs. Corriveau advised Council that the Board of Audit has acted upon the claim regarding the siding and will be reimbursing the Field's for that expense (up to the amount of their submitted estimate).

Southside Water, Inc. James V. Lettiere, Jr.

Mr. Lettiere was present for the discussion.

Mayor Graham commented that he looks at this as not a Council problem. He stated that Mr. Lettiere is running a business and is buying water from the City. Mayor Graham remarked that he didn't see changing this.

Mr. Lettiere commented that he would sell the system if someone wanted to buy it. However, he would continue to run it until that happens.

It was the consensus of the Council that the City shouldn't get involved in this and that the distribution of water once it leaves the City isn't Council's concern.

New York State Zoo at Thompson Park Request: April 8, 2010 memorandum from City Manager Mary M. Corriveau

Mayor Graham remarked that the aviary was a signature part of the zoo. If it is deteriorating it should be fixed up and used for the purpose that it was intended for. He remarked that he was perplexed by the letter and is not supportive of having it demolished.

Council Member Macaluso asked how bad it is and if it can be salvaged.

Mrs. Corriveau commented that the screen panels get damaged by snow loads in the winter. She asked if the City wants to continue to invest monies in the city owned aviary if the conservancy doesn't want to use it.

Council Member Burns commented that she would like more clarification on why they don't want to use it. She also remarked that a few years ago, the conservancy kicked off the Aviary-200 Club fund raiser. She explained that she had donated to that project and wondered what had happened with it.

Council Member Butler wondered if the conservancy would be interested in the aviary, if the City did rehab it.

Mrs. Corriveau will make arrangements for the Council to meet with the conservancy.

Breen Avenue Bids

Mr. Hauk advised that the bids came in today and ranged from \$894,000 to \$1.6 million. These figures are below the budget of \$2.2 million. He did explain that the two lowest bids may have a couple of issues that will have to be looked at. He explained that it has to do with separating out certain costs. However, the other bids all came in between \$1.3 and \$1.6 million.

Park Rules

Council began the review of the proposed amendments to the City Code for Parks and Recreational Areas.

Council Member Burns remarked that there is a difference in a true park and a playground. Therefore, there can't be a uniform standard incorporating both.

Council Member Smith agreed that playgrounds should have separate categories.

Council concurred that playgrounds should be closed from 9 p.m. to 7 a.m. It was also agreed that they should be clearly marked as to closing times, no smoking, no alcohol, proper disposal of rubbish and no open fires.

Discussion was held relative to Chapter 205 – Noise and the fact that it is very difficult to enforce.

Discussion was held concerning the fact that there is no ball playing in Landsingdorp and Wight Drive/Temple Street Park. Council concurred that this restriction should be removed from the code.

It was the consensus of Council that the Route 3 fishing and boat access should be closed from 9 p.m. to 7 a.m. This would also be true for the Factory Square Park and the Fairgrounds Trail as they are not lit and are isolated.

Mr. Mix explained that Whitewater Park goes from the City's electric building down past Maggie's. The deck area is lit.

Discussion centered on whether or not this area should be closed off during the winter months.

Council Member Smith asked if Council wants the city crews spending time cleaning up the deck in the winter.

Mayor Graham responded that there are lots of nice days in the winter and to place restrictions on it is problematic. He commented that it is a wide opened park that people can get to.

Council Member Burns asked why it was closed last winter.

Mrs. Corriveau explained that it was for safety reasons and also the fact that the City didn't want to have to clear snow there. She commented that she saw no problem in closing it from December 1st through April 15th. She explained that a road in Thompson Park is closed in the winter.

Council Member Butler commented that he would keep the deck area open.

Mayor Graham responded that in previous discussions the comment was made that the deck is just like a sidewalk. Therefore, if the abutting property owner doesn't shovel it, they could be cited.

Bernie Bernhart, general manager of Maggie's, explained that the observation deck was roped off this past winter.

Mayor Graham commented that when the weather turns bad, it could be roped off. Otherwise, it should be left open.

Council Member Butler stated that he agreed.

Mrs. Corriveau advised that the City closes the access to the lower part of Marble Street as well in the winter. She also commented that the deck is not a sidewalk area. She also remarked that she is concerned because the area has stairs on both sides.

Mayor Graham responded that there has to be some facility where you can go to anytime, day or night throughout the year. He also commented that it is a vested economic interest of the property owner to keep it cleared

Council Member Burns remarked that she agrees with keeping it open, on a reasonable basis. She commented that during kayaking season, there are participants that tent along the water and if they want to walk up onto the deck at night, they should be able to do so.

No smoking in the area was discussed.

Mr. Bernhart explained that Maggie's has designated smoking areas.

A lengthy discussion was held concerning alcohol on the deck.

Council Member Burns asked if Maggie's had included the footprint of the deck when they applied for their liquor licenses.

Mr. Bernhart explained that it had been listed originally. However, the state asked if the deck was owned by the business and when they found out that it wasn't, the state would not approve the alcohol license for the deck. He explained that there is a sign by the door that states that they can not take alcohol out onto the deck.

Discussion was then held on the serving of alcohol at events held at the fairgrounds. Permits and regulations were discussed as it pertained to catering events there.

Council Member Burns commented, concerning the deck issue, the private business owner should have control of the deck. Therefore, the City should either sell or lease it to them.

Discussion was held concerning the opinion from the NYS Dept. of State and Chapter 75 of the code.

Mayor Graham agreed that it is still worth pursuing selling or leasing the deck.

Council Member Smith remarked that his concern is that we received taxpayers' money to buy the park for public use and then we turn around and sell it to a business. He stated this reeks of horrible government.

Council Member Burns responded that what reeks of horrible government is the fact that we built a deck and attached it to a privately-owned building and tore off another deck without permission.

Mrs. Corriveau advised that originally the LWRP was supposed to be a program that spurred private development along public infrastructure. However, in discussions with the Department of State concerning the J.B. Wise project, they didn't interpret it in that manner.

Mayor Graham asked if it was Council's desire to seek an act of the legislature to sell or lease the deck.

Council Member Macaluso said we should as we have to recover some of the money for it.

Council Smith questioned who would get the recovered money – the city or the state.

It was the consensus of Council (except Council Member Smith) to proceed with the Home Rule process to lease the deck to Maggie's.

Deck Furniture

Council Member Burns remarked that she was comfortable with the decision Council had made concerning the furnishings for the deck.

Council Member Butler remarked that if Maggie's wants to buy them, Council should let them. However, the quality of the tables and chairs need to be upgraded.

Mayor Graham remarked that he is in favor of the ones Council selected.

Council Member Smith remarked that he is not in favor of buying any furniture.

Council Member Burns remarked that she is in favor of the original ones selected by Council for safety issues.

Council Member Macaluso was in favor of letting Maggie's purchase the furniture.

Mr. Bernhart commented that Maggie's would purchase furniture of the quality and with the safety features that the Council had originally selected.

Work session ended at 10:35 pm.

Donna M. Dutton

City Clerk